

REMARKS/ARGUMENTS

These remarks are made in response to the Office Action of May 11, 2006 (hereinafter Office Action). As this response is timely filed within the three-month statutory period, no fee is believed due. Nonetheless, the Examiner is expressly authorized to charge any deficiencies or credit any overpayment to Deposit Account No. 50-0951.

In the Office Action, each of the pending claims was rejected on the basis of new grounds of rejection, stated at pages 4-5 of the Office Action. Claims 1-11 and 13-25 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,078,886 to Dragosh, *et al.* (hereinafter "Dragosh") in view of U.S. Patent No. 6,408,272 to White, *et al.* (hereinafter "White").

Applicants Invention

At this juncture, it may be helpful to reiterate certain aspects of Applicants' invention prior. One embodiment of the invention, as exemplified by Claim 1, is a method for processing speech audio in a network-connected client device. The method can include selecting a speech grammar for use in a speech recognition system in the network-connected client device and characterizing the selected speech grammar according to the complexity of the grammar, for example. The characterization can be embedded within the selected speech grammar. Additionally, according to the method, it can be determined based on the pre-determined characterization whether to process the speech grammar locally in the network-connected client device, or remotely in a speech server connected to the network.

The Claims Define Over The Prior Art

Each of the pending claims, as already noted, were each rejected as being unpatentable over the combination of Dragosh and White. Dragosh is directed to a system and method for operating an automatic speech recognition (ASR) service using a client-server architecture to make ASR services accessible at a client location remote from the location of a main ASR engine. (Col. 2, lines 12-15; see also Abstract, lines 1-4.) White is directed to a system and method for a providing a distributed voice user interface (VUI) in which a remote system cooperates with at least one local device for delivering a "sophisticated" VUI at local devices. (Col. 1, line 65 – Col. 2, line 4.)

***Only by conjecture does Dragosh teach a distinction
based upon grammar complexity***

With respect to each of the independent claims, it is stated at pages 2-3 of the Office Action that Dragosh teaches processing speech audio by characterizing a selected grammar based upon a predetermined characterization embedded within the selected grammar. The teaching is stated to be found in Dragosh's sending a grammar "handle" that identifies a grammar as one of a plurality of "different types of 'canned' grammars" or, alternatively, directing a device to an address designated by a URL "to find the appropriate grammars."

Applicants respectfully submit that it is only conjecture to say that a client's sending either a handle or a URL address is a distinction based upon grammar complexity. Moreover, when Dragosh is read in its entirety, there are good reasons to question such a conjecture.

The purpose of Dragosh is to provide an automatic speech recognition (ASR) service using a "client-server architecture" so as to make the ASR service accessible to a client remotely located from a "main ASR engine." (Col. 2, lines 12-15.) The very

reason for Dragosh's utilizing a client-server architecture is to allow the server to perform the speech recognition based upon information provided by the server. (See, e.g., Col. 2, lines 15-27.) The various embodiments of Dragosh are directed to different types of information provided and mechanisms for sending the information to the server from the client. Specifically, as noted in the Office Action, Dragosh does not address whether to perform speech recognition processing at the client or the server; with Dragosh, the server performs the processing.

In one embodiment of Dragosh, the client sends a grammar file to the server and, in return, receives the grammar handle from the server. (See Col. 4, line 57 – Col. 5, line 25; see particularly, Col. 5, lines 4-9.) There is no reason to assume that the grammar handle, since it is sent from the server to the client, provides any indication of the complexity or other characterization of the grammar. Indeed, as explicitly explained in the reference, the grammar handle is "a marker," such as a "pointer to memory containing the loaded grammar, that enables the ASR client to easily refer to the grammar" while the server performs speech processing. (Col. 5, lines 10-14.)

In an alternate embodiment, it is the client that sends the grammar handle to the server. (See Col. 5, lines 26 – 57.) Again, however, there is no hint or suggestion that the grammar handle is based on or gives any indication of the complexity of a grammar. Indeed, as noted at page 3 of the Office Action, the grammar handle merely identifies one of a plurality of different types of "canned" grammars. If one canned grammar is more complex than any other, the grammar handle clearly does not indicate so. Dragosh explicitly defines a canned grammar: it is one which the server "would already have stored." (Col. 5, lines 32-38.) There is no hint or suggestion that the server stores only relatively less complex grammars. The only remark is that the grammar is a "common grammar" that would likely be stored on the server already. It is just as reasonable to assume that a common grammar is one that would have general rather than particularized

applicability. This is no less reasonable an assumption than the assumption that only less complex grammars are stored on the server.

Merely because Dragosh provides that the client alternatively could send a URL address in lieu of a grammar handle, does not imply that canned grammars are any more or less complex than those stored remotely from the server. It is, again, just as reasonable to assume that the server would already have stored a generally applicable grammar than a specific-purpose grammar. There emphatically is no hint or suggestion in Dragosh that canned grammars are any less complex than any others. If anything, the language in Dragosh suggests just the opposite: that a canned grammar is one that is likely to have broad applicability to different speech recognition regardless of its complexity.

Applicants respectfully assert, therefore, that it is merely conjecture to assume that the difference between a canned grammar already at a server and one stored remotely at a URL address provides even the remotest suggestion of a distinction based on the respective complexities of different grammars. The mere fact that an inference that the distinction connotes complexity could be drawn is not sufficient to establish prima facie obviousness. *In re Fitch*, 972 F.2d 682 (Fed. Cir. 1992); *In re Mills*, 916 F.2d 680 (Fed. Cir. 1990). This long-established principle applies with even greater force in the present case given that alternative inference is just as or more likely.

*White does not suggest determining where to process speech
on the basis of a characterization of a grammar*

White does not combine with Dragosh to teach or suggest choosing to perform speech processing in a client or a server based on the characterization of a grammar. White makes a determination at device as to where speech processing is performed based on the capabilities of the device itself. White does not teach or suggest a device that includes the capability for accepting or recognizing a characterization of a particular

grammar. White speaks only to a device that assesses different tasks in relation to the device's capabilities and, based on that comparison, determines whether to perform speech processing locally or remotely in another device. (See Col. 17, line 63 – Col. 18, line 17.) A determination of whether to process speech locally or remotely based upon a characterization embedded in a grammar is thus counter to White's intended purpose. White teaches a device that makes such a determination with reference to processing capabilities relative to tasks, not with reference to an embedded characterization within a particular grammar.

CONCLUSION

Applicants respectfully submit that, for the reasons stated herein, Dragosh in combination with White fails to teach or suggest every feature recited in the claims and that, therefore, the claims define over the prior art. Applicants believe that this application is now in full condition for allowance, which action is respectfully requested. Applicants request that the Examiner call the undersigned if clarification is needed on any matter within this Amendment, or if the Examiner believes a telephone interview would expedite the prosecution of the subject application to completion.

Respectfully submitted,

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